

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CHAPTER 13 CASE NO:

EURNELL HOYLE

21-10176-JDW

NOTICE OF TRUSTEE'S MOTION TO MODIFY CONFIRMED PLAN

Should any party receiving this notice respond or object to this motion, such response is required to be filed on or before August 12, 2021, using the CM/ECF system or with the Clerk of this Court at the following address:

Shallanda "Che" Clay, Clerk of Court
U. S. Bankruptcy Court
Northern District of Mississippi
703 Highway 145 North
Aberdeen, MS 39730

A copy of the response must also be served on the Chapter 13 Trustee. If no responses are filed, the Court may consider the motion immediately after the time has expired. In the event a written response is filed, the Court will notify you of the date, time and place of the hearing thereon.

CERTIFICATE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: July 9, 2021

LOCKE D. BARKLEY, TRUSTEE

/s/ W. Jeffrey Collier
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
6360 I-55 North, Suite 140
Jackson, Miss. 39211
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ssmith@barkley13.com

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IN THE MATTER OF:

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TRUSTEE'S MOTION TO MODIFY CONFIRMED PLAN

COMES NOW Locke D. Barkley, Chapter 13 Trustee, by and through counsel, and files this Trustee's Motion to Modify Confirmed Plan (the "Motion"). **The recipient(s) of this Motion have 30 days, subject to Fed. R. Bankr. P. 3015(h) and P. 9006(f), in which to file a response or objection.** In support of this Motion, Trustee states as follows:

1. On June 21, 2021, this Court entered its Order Confirming Chapter 13 Plan (Dkt. #50) (the "Plan").

2. Section 3.2 of the Plan includes a provision for the payment of a debt owed to Republic Finance, LLC ("Republic") which is secured by a two-horse trailer and 30-30 rifle. To date Republic has not filed a Proof of Claim for this debt and the deadline for the filing of claims has passed¹.

3. The Trustee requests that the Plan be modified to remove the provision for the secured debt of Republic and reduce the plan payment accordingly.

WHEREFORE, PREMISES CONSIDERED, Locke D. Barkley, Chapter 13 Trustee, prays that upon notice and hearing that this Court enter its order granting the Trustee's Motion and for such other relief to which the Trustee and this bankruptcy estate may be entitled.

Dated: July 9, 2021

Respectfully submitted,
LOCKE D. BARKLEY, TRUSTEE

/s/ W. Jeffrey Collier
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
6360 I-55 North, Suite 140
Jackson, Miss. 39211
(601) 355-6661
ssmith@barkley13.com

CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Republic Finance, LLC
282 Tower Road
Ponchatoula, LA 70454

Dated: July 9, 2021

/s/ W. Jeffrey Collier
W. JEFFREY COLLIER

¹ Republic did timely file a Proof of Claim (Clm. #4) for an unrelated nonpriority unsecured claim.